

REMARKS

Claims 1-46 remain pending in the captioned case. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1, 15, 26, 41 and 42 under 35 U.S.C. § 102(e) as being anticipated by Pickett et al. (U.S. Publication 2004/0143721) (hereinafter “Pickett”). Applicant traverses this rejection on the following grounds. Specifically, Applicant has filed herewith declarations under 37 C.F.R. § 1.132 (Rule 132) to overcome the rejection of claims 1, 15, 26, 41 and 42 under 35 U.S.C. § 102(e). Applicant submits that the Rule 132 declarations overcome the rejection under 35 U.S.C. § 102(e) pursuant to MPEP §§ 715.01(c), 716.10 and 2136.05. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejections of claims 1, 15, 26, 41 and 42 under 35 U.S.C. § 102(e).

Allowable Subject Matter:

Claims 2, 3, 9, 16, 22, 27, 28, 34, 40 and 43-46 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 4-8, 10-14, 16-21, 23-25, 29-33 and 35-39 were also indicated as being allowable over the prior art of record. As the rejection of each of the independent claims under 35 U.S.C. § 102(e) has been overcome as discussed above, Applicant submits that each of the dependent claims is allowable in its current form.

CONCLUSION

Applicant submits that the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-79600/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Rule 132 Declaration (Alsup)
- Rule 132 Declaration (Pickett et al.)
- Petition for Extension of Time
- Notice of Change of Address

Respectfully submitted,



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